

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MITCHELL KEITHER GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:22-cv-00064-GMN-EJY

ORDER

I. DISCUSSION

On January 13, 2022, Plaintiff, an inmate in the custody of Nevada Department of Corrections, filed what appears to be a civil complaint. ECF No 1-2. Plaintiff has neither paid the filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file a civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed Application to Proceed in Forma Pauperis for Inmate, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

The Court grants Plaintiff a one-time extension to file a complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the \$402 filing fee for this action on or before **March 14, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complete application to

1 proceed *in forma pauperis* with all three required documents or pay the \$402 filing fee on or before
 2 **March 14, 2022**, the Court will recommend dismissal of this case without prejudice allowing
 3 Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents
 4 needed to file a complete application to proceed *in forma pauperis* or pay the \$402 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff is able to acquire all three documents
 7 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
 8 choose not to file an application to proceed *in forma pauperis* and instead pay the filing fee of \$402
 9 on or before **March 14, 2022**, to proceed with this case.

10 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-2), but the Court will not
 11 file the complaint unless and until Plaintiff timely files a complete application to proceed *in forma*
 12 *pauperis* with all three documents or pays the \$402 filing fee.

13 **II. ORDER**

14 Accordingly, and for the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the
 15 Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate,
 16 as well as the document entitled information and instructions for filing an *in forma pauperis*
 17 application.

18 IT IS FURTHER ORDERED that on or before **March 14, 2022**, Plaintiff will either pay the
 19 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)
 20 or file with the Court:

- 21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
- 22 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
- 23 3);
- 24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
- 25 (i.e. page 4 of this Court's approved form); and
- 26 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
- 27 **six-month period**.

1 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this Order, the
2 Court will recommend this case be dismissed without prejudice for Plaintiff to file a new case with
3 the Court when Plaintiff is able to acquire all the documents needed to file a complete application to
4 proceed *in forma pauperis* or pay the \$402 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of Court will retain Plaintiff's civil rights
6 complaint (ECF No. 1-2), but the Court will not file the complaint at this time.

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8 Dated this 2nd day of February, 2022.

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11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE
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